

JUDGE PERMAN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

09 CIV 9777

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LESLIE CARR,

Plaintiff,

-against-

APPLE INC.,

Defendant.  
-----X

Case No. \_\_\_\_\_

**DECLARATION OF  
MICHAEL GERARD IN  
SUPPORT OF APPLE INC.'S  
NOTICE OF REMOVAL**

I, MICHAEL GERARD, hereby declare as follows:

1. I am a member of the bar of this Court, an associate at Morrison & Foerster LLP and counsel to Apple Inc. ("Apple"), a California corporation, with its principal place of business at 1 Infinite Loop, Cupertino, California 95014, which is named as a defendant in the above-captioned action. I make the statements in this declaration based upon my personal knowledge. If called upon to do so, I could and would testify thereto under oath. I am respectfully submitting this declaration in support of Apple's Notice of Removal.

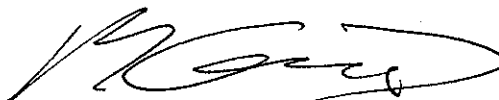
2. On October 30, 2009, Apple was served by Plaintiff with a Summons with Notice in an action captioned *Carr v. Apple Inc.*, 09/308778 (Bronx Sup. Ct.). Plaintiff is proceeding *pro se*. Plaintiff failed to fill out her address on the Summons with Notice, but she provided her New York City phone number.

3. On November 18, 2009, I sent someone from Westlaw CourtExpress, a document retrieval service, to visit the Office of the Clerk of the Bronx Supreme Court in order to retrieve any information that might list Plaintiff's address. This person visited the Clerk's Office, but the Clerk's Office only had the Summons with Notice, and informed us that they did not have

Plaintiff's address. Later that same day, I called Plaintiff at her phone number listed on the Summons with Notice in order to obtain her address. Plaintiff stated that her address was 1053 Clay Avenue, Apartment 3A, Bronx, New York 10456.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: November 24, 2009  
New York, New York

A handwritten signature in black ink, appearing to read 'M. Gerard', is written over a horizontal line.

MICHAEL GERARD